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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,637	12/08/2003	Randy G. Cooper	PTG 02-116-1	4229
23531	7590	08/26/2005		
SUITER WEST SWANTZ PC LLO 14301 FNB PARKWAY SUITE 220 OMAHA, NE 68154			EXAMINER SELF, SHELLEY M	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/730,637	Applicant(s) COOPER ET AL.	
	Examiner Shelley Self	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 53-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/15/05; 3/7/05; 10/8/04; 5/21/04; 3/15/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of the invention of Group I (clms. 1-52) in the reply filed on August 1, 2005 is acknowledged. The failure of Application to present any traversal arguments renders the election an election without traverse.

Claims 53-67 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on August 20, 2005.

Information Disclosure Statement

The information disclosure statement filed on January 20, 2004 lists U.S. Patent No. 4,983,642 as issued to Imahashi et al., however this patent is issued to Nakano et al., this patent number appears to be listed in error. Clarification is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: *128, 136, 216, 226, 518, 538, 644, 908 & 910*.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *motor* (clms. 1, 19) and *working tool* (clm. 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- Clm. 2, "is a removable from the motor housing", is not clear
- Clms. 5, 21 & 37, line 2 "at least one of coated..." is not clear
- Clm. 52, line 2 "hand" should be ~~handle~~

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 19-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. Claim 19, states, "the power tool", there is no antecedent basis for this term within the claim. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7, 10, 12, 16-18, 35-39, 42, 44, 48-52 and claims 19, 23, 26, 28, 32-34 as best as can be understood re rejected under 35 U.S.C. 102(b) as being anticipated by Hestily (4,051,880). With regard to claim 1 and 19, Hestily discloses a power tool (fig. 1) comprising a motor housing (36) for containing a motor (42) configured to drive a working tool (48); a base (12) adjustably coupled (col. 2, lines 13-21) to the motor housing (36), said base for supporting the motor housing on a surface (fig. 1); and a generally L-shaped handle (30, 32) having a connecting member (16) and a grasping member (30, 32); connected to the base (12) said handle for manipulating the power tool on a surface, wherein the grasping member is disposed proximal the motor housing (fig. 1).

With regard to claim 3, Hestily discloses a base including a base sleeve (14) including a generally cylindrical (fig. 5) aperture therein for receiving the motor housing (col. 2, lines 13-15); and a support member (18) connected to the base sleeve, said support member (18) for supporting the power tool on a workpiece; wherein the generally L-shaped handle is connected to the base sleeve (14) adjacent the interface of the base sleeve and the support member (figs. 1, 2).

With regard to claims 7, 23 and 39, Hestily discloses the grasping member substantially parallel to the motor housing (fig. 1).

With regard to claims 10, 26 and 42, Hestily discloses the grasping member includes a terminal zone for coupling a vacuum hose thereto (fig. 5).

With regard to claims 12, 28 and 44 Hestily discloses the generally L-shaped handle includes a channel (72, 74) formed there through. (fig. 1).

With regard to claims 16-18, 32-34 and 48-50, Hestily disclose the connecting member configured to support at least a portion of a human hand disposed between the motor housing and the grasping member and wherein the grasping member forms a back hand support for a user's hand when grasping at least a portion of the motor housing. Examiner notes that Hestily can perform such that an operator hand is adjacent the motor housing and the back of the hand is adjacent the grasping member.

With regard to claim 51, Hestily discloses a securing mechanism (38) for fixing the position of a received motor housing with respect to the router base (col. 2, lines 13-20).

With regard to claim 52, Hestily discloses a dust aperture (28) located at the interface of the generally L-shaped handle and the base sleeve (fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hestily (4,051,880) in view of Vess (4,102,370). Hestily does not disclose the base is removable from the motor housing. Vess teaches in a similar art a router having a base (11), a motor (10) and motor housing (12) wherein the base (11) is removable from the motor housing (fig. 2). Vess teaches this construction so as to efficiently adjust the router for cutting depth. Because both Hestily and Vess are concerned with a similar problem (i.e., positioning router cutting depth via telescopically positioning a motor housing within a base) it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Hestily's telescopic motor housing and base construction with a removable telescopic motor housing and base construction so as to efficiently position the motor housing relative to the base for accurate cutting depth as taught by Vess.

Claims 4-6, 11, 38, 43 and claims 20-22, 27 as best as can be understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Hestily (4,051,880) in view of Yano (5,640,741). Hestily does not disclose a grip. Yano teaches in a closely related art, thus use of an oblong hand grip (fig. 2) frictionally coupled to a handle of power tool and secured via fasteners (fig. 102a). Yano teaches this construction so as to reduce the vibration felt by the operator of the power tool. Because Hestily and Yano are concerned with a similar problem. (i.e., manual operation of a power tool via a handle) it would have been obvious at the time of the invention to one having ordinary skill in the art to provide Hestily with a handle grip so as to reduce vibration felt by the operator as taught by Yano.

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Claims 8, 9, 13, 24, 25, 29, 40, 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hestily (4,051,880) in view of Lui et al. (6,506,006). Hestily discloses the L-shaped handle member to be removable. Examiner notes the L-shaped handle member (32) to be removable to facilitate access to the light bulb (66).

Moreover, Lui teaches in a similar art, a router having a detachable handle (200) constructed of shell portions (230, 240) attached via fasteners (250). Lui teaches the use of a removable/detachable handle so as to facilitate easy access to other elements of the router. Because the references are from a similar art, it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Hestily's handle connection with an easily removable/detachable connection so as to enable and facilitate ease of access to the light bulb (66) and other elements of the router as taught by Lui.

Claims 14, 30 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hestily (4,051,880) in view of Williams et al. (6,266,850). Hestily does not disclose the grasping member to be adjustably positionable. Williams teaches in a similar art a router having generally L-shaped handles (fig. 2) attached to the router via a connecting member (fig. 3). Williams teaches the handles to have a grasping member, the grasping member to be adjustably positionable (figs. 4-5). Williams teaches this construction of adjustable grasping members so as to better orientate the router to facilitate proper contact with the work piece (col. 1, lines 20-40) and for reduced risk of injury to an operator. Because the references are from a similar art, it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Hestily's non-adjustable handles with adjustably positionable handles so as to allow

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consistent contact of the router with the work piece and reduce risk to an operator as taught by Williams.

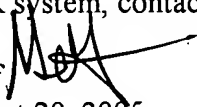
Claims 15, 31 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hestily (4,051,880) in view of Turnbull (2,630,152). Hestily does not disclose the grasping member is angle between 0° and 20° . Turnbull teaches in a similar art a portable router having a rotary cutter (12) and a handle (figs. 1, 3) that is has a grasping member angled between 0° and 20° from an axis normal to the connecting member (fig. 1, 3) of the router. Turnbull teaches this handle construction so as facilitate greater operator control and steady contact to the work piece with limited turning or twisting of the router during operation. Because the references are from a similar art, it would have been obvious at the time of the invention to one having ordinary skill in the art to replace, Hestily's perpendicular grasping member with a handle having an angled grasping member so as to facilitate greater operation control as taught by Turnbull.

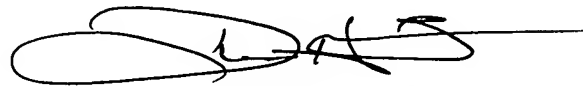
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf, 
August 20, 2005



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